



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

April 8, 2014

Josh Jackson
CENWS-PM-CP
PO Box 3755
Seattle, Washington 98124-3755

Re: U.S. Environmental Protection Agency comments on the U.S. Army Corps Seattle District Grays Harbor, Washington Navigation Improvement Project General Investigation Feasibility Study Draft Limited Reevaluation Report and Supplemental Environmental Impact Statement. EPA Project Number: 88-029-COE.

Dear Mr. Jackson:

We have reviewed the Corps' Grays Harbor Navigation Improvement Draft Limited Reevaluation Report (LRR) and Supplemental Environmental Impact Statement (SEIS). Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the Draft SEIS considers the expected environmental impacts of the proposed action and the adequacy of the EIS in meeting the procedural and public disclosure requirements of the NEPA.

We have been involved in this specific project primarily as a member of the multi-agency Dredged Material Management Program (DMMP) and as a participant on the Revised Crab Mitigation Strategy Agreement (RCMSA) work group. We plan to continue our involvement as a member of the DMMP, a signatory to the 1998 RCMSA, and a participant on the RCMSA work group. Our review was also conducted in accordance with EPA's responsibilities under the Marine Protection, Research, and Sanctuaries Act (MPRSA).

Project summary

This Draft SEIS addresses design changes to the Grays Harbor and Chehalis River Navigation Project. The proposed action is to deepen the federal deep-draft navigation channel in Grays Harbor from its currently maintained -36 feet mean lower low water (MLLW) to its authorized depth of -38 feet MLLW. The proposed action also includes the disposal/placement of dredged materials at a number of sites in Grays Harbor, a one-time shift of the Point Chehalis dredged material disposal site, and subsequent maintenance of the deepened channel over the next 50 years. The purpose of the proposed action is to reduce navigation transportation costs and improve efficiency and reliability of navigation to and from Grays Harbor.

Rating

We are rating the DSEIS Environmental Concerns – Insufficient Information (EC-2). A copy of our rating system is enclosed. Our primary concerns relate to induced shipping impacts and the lack of harbor-wide restoration and enhancement information in the DSEIS, discrepancies related to crab

impacts and mitigation, insufficient information on how ongoing maintenance and new construction impacts will be accounted for and mitigated, and, the apparent placement of dredged materials at an Ocean Dredged Material Disposal Site without approval from EPA.

Estimating the proposed action's contribution to cumulative effects

We are concerned about discrepancies within the DSEIS regarding the proposed action's contribution to indirect and cumulative effects and disagree that the proposed action's contribution would be "insubstantial".¹ With regard to discrepancies, we are concerned that the DSEIS states both that, "...Alternative 3 would neither result in an increase in the size or number of vessels navigating the harbor...compared to baseline conditions..."² and that, "Alternative 3 would add as many as 32 annual deep draft vessel transits as compared with Alternative 1 by 2037."³ We believe the latter disclosure is likely more accurate because we agree with the DSEIS's related conclusion that, "It is reasonably foreseeable that the enhanced channel dimensions may proximately induce shippers to increase the cargo throughput of the Port, over and above the levels of economic expansion anticipated under Alternative 1."⁴ Indeed, as the DSEIS usefully describes, there are substantial terminal expansion proposals at the Port of Grays Harbor.

Because we believe that the proposed action is likely to induce shippers to increase cargo throughput at the Port, and because the Port has substantial terminal expansion plans (hundreds of additional trains and vessel calls),⁵ we disagree that the proposed action's contribution is minor and insubstantial. We also emphasize our belief that ongoing maintenance dredging, proposed terminal expansions, the Point Chehalis revetment and South Jetty maintenance project, and other reasonably foreseeable in-water work and over-water structures are collectively likely to result in significant adverse effects to environmental resources within Grays Harbor.

To address our cumulative effects concerns, we recommend that the FSEIS address or resolve what appear to be important discrepancies regarding the action alternatives' contribution to additional shipping and port development. We also recommend that the FSEIS include additional information regarding the Corps' and the Port's plans to pursue, for example, more general or harbor-wide restoration and enhancement.

Continuing applicability of the 1998 Grays Harbor Revised Crab Mitigation Strategy Agreement

In spring of 2012, the EPA and other signatory agencies were invited to participate on a Grays Harbor Revised Crab Mitigation Strategy Agreement (RCMSA) interagency work group to revisit and potentially amend/update the 1998 RCMSA. To date, for a variety of reasons, the work group has not produced any amendments/updates to the RCMSA. During this time, the 1998 RCMSA remains in effect, and navigation dredging and disposal has continued apace in Grays Harbor.

In the DSEIS, the Corps has embraced the Dredge Impact Model (DIM) for determining current and future effects to crab for the Grays Harbor Navigation Improvement Project (NIP). In the absence of changes to the 1998 RCMSA, the Corps should return to supporting the DIM (e.g. calculating ongoing effects from dredging, monitoring shell plots, and planning for and placing oyster shell), until some

¹ DSEIS, p. 6-136

² DSEIS, p. 4.2-24

³ DSEIS, p. 4.2-25

⁴ DSEIS, p. 3.15-6

⁵ DSEIS, p. 6-129 through 130.

effects from dredging, monitoring shell plots, and planning for and placing oyster shell), until some other decision is made by the RCMSA work group. No fieldwork to support shell plot production calculations has been conducted since 2011, no shell has been placed since 2006, and no additional information has been gathered (Visser 2012⁶ includes useful suggestions) to make the DIM more applicable to today's conditions.

Adequate cumulative effects analysis for impacts to Dungeness crabs

Consistent with the RCMSA, we appreciate the timing by reach, and use of clamshell dredging for all of Crossover Reach as ways of reducing both maintenance and new construction effects on crab. However, we are concerned that combined effects on crab from the complete navigation maintenance dredging program (including the outer reaches), the NIP construction impacts, and the additional incremental volume of maintenance material (107,000 cubic yards (cy)) anticipated for the preferred alternative may not be offset.

Table 4.4-3 (Total of Cumulative Dredging Impacts on Adult (Age 2+) Dungeness crab versus Mitigation Effect) tells a significant story. While the outer reaches of the harbor are considered by the Corps to be out of scope for this DSEIS, the overall volumes dredged in any given year (including the year the NIP is constructed) are what drives crab impacts – especially hopper dredging in the outer reaches. This total cumulative impact is what the overall RCMSA was designed to address. The trend in Table 4.4-3 indicates that ongoing Corps navigation dredging will likely have negative cumulative effects on crab starting this season, with or without the NIP. This is with the optimistic assumption that adult 2+ production from the ageing shell plots is equal to the average production from years 2007-2011. Shell was last placed in 2006 and it is unlikely production remains that high.

We are concerned about discrepancies between Visser 2012 and the DSEIS, for example Figure 24 from Visser 2012 states that as of 2011, cumulative impact was +4299 crab, not +48,507 as shown in DSEIS Table 4.4-3. The FSEIS should include updated information which addresses and/or resolves this discrepancy, and this information should be coordinated with the RCMSA work group.

We are concerned that DSEIS Tables 4.4-4 and 4.4-5 (Alt 3) don't adequately estimate the overall project impacts to crab because all navigation and construction dredging is not included. In order to better disclose cumulative impacts, we recommend that the FSEIS's versions of these tables include all navigation and construction dredging (including the outer reaches). Only then can it be discerned whether the construction year's (and overall future maintenance) cumulative effects on crab will be offset per the RCMSA. Without this information it is difficult to see how the Corps will be able to plan and offset impacts via the RCMSA.

Mitigation for dredging impacts

The EPA encourages the Corps to lead the effort to take a more comprehensive look at dredging trends, sediment movement and bay-wide geomorphological changes in Grays Harbor, and explore how dredged material can be used beneficially from a coastal systems perspective, and to support important habitat areas that are currently eroding in the harbor. This would support a variety of functions and species.

⁶ Visser, E.P. 2012. Grays Harbor Mitigation Shell Project – 2011 Annual Dungenes Crab Production and Status of Live Oyster Habitat. Final. Prepared for the U.S. Army Corps of Engineers. 55 pp.

In addition, were a solution to be positive for crab, the RCMSA work group might be able to move from previous strategies relying on oyster shell placement, to something more applicable to current conditions in Grays Harbor. This idea, and possible habitat restoration projects have been mentioned in RCMSA work group meetings. Other resource agencies such as the Services and WDFW could also provide options for the Corps and RCMSA work group to consider.

Disposal at the MPRSA 3.9 Mile Site

We are concerned that, according to DSEIS Section 5.1.2, Corps hopper dredges have been using the 3.9 Mile Site for periodic disposal of dredged ballast materials as they enter Grays Harbor.⁷ Per the Marine Protection, Research and Sanctuaries Act (MPRSA), any placement of materials at a designated Ocean Dredged Material Disposal Site may only occur if an active site management and monitoring plan (SMMP) is in place and approved by the EPA. The SMMP for the 3.9 Mile Site has expired, and therefore this site may not be used for disposal of any dredged material under any circumstances. Even if the SMMP were active, no disposal of any dredged material under any circumstances may occur without specific EPA concurrence. While we realize the volume disposed is likely small, and is apparently part of a "ballast management plan", any use of the 3.9 Mile Site must stop immediately. Please provide the EPA Region 10 with the most recent "records of ballast management" related to placement of dredged material at the 3.9 Mile Site.

Thank you for this opportunity to comment and if you have any questions please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov. If you have DMMP or RCMSA-related questions, please contact Justine Barton at (206) 553-6051 or by electronic mail at barton.justine@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure:

- Additional EPA comments on the Grays Harbor Navigation Improvement Project General Investigation Feasibility Study Draft Limited Reevaluation Report and Supplemental Environmental Impact Statement
- EPA Rating System for Draft Environmental Impact Statements

⁷ DEIS Section 5.1.2. states, "Sand ballast is dredged from the ocean entrance of the departing location and disposed of at the most seaward point of the arriving project's approved ocean disposal site. For the Grays Harbor project this is the Southwest Disposal Site located 3.9 miles off shore of the mouth of Grays Harbor."

Additional EPA comments on the Grays Harbor Navigation Improvement Project General Investigation Feasibility Study Draft Limited Reevaluation Report and Supplemental Environmental Impact Statement

1. Please show the Point Chehalis Revetment Extension Mitigation Site on figures where appropriate throughout document (e.g. LRR p. v, Figure 1). Is this location the same as the Half Moon Bay (HMB) mitigation stockpile (e.g. LRR Table 14) and if not, please include the location of the stockpile on a figure as well.
2. LRR Dredged Material Suitability 5.1.5.2. In discussing suitability, the Suitability Determination covers appropriateness of material in terms of chemistry and bioassay results, however, it does not apply the conventionals (e.g. grain size and TOC) analyses to the project specifics. For example, generally only sandy material is used for beneficial placement at South Jetty and HMB. Does the project grain size allow it to be used in Half Moon Bay nearshore for example, or are placement options limited by grain size and dredging method?
3. LRR p. 41. Please include a copy of the 1998 Point Chehalis Revetment Extension Project Interagency Mitigation Agreement as an appendix. It is mentioned throughout the document.
4. LRR Table 16. The volumes in the LRR do not match those in the DSEIS tables, which is very confusing. Please explain the differences more clearly for the reader.
5. LRR, p. 73, 7.10. Placement sites. Please update the 3.9 Mile Site discussion with the details we have provided in our cover letter.
6. DSEIS has excellent discussion on engineering history and cumulative changes related to geomorphology of the navigation channel and estuary. However, there does not seem to be similar detail provided on the cumulative changes one could expect from these alterations/changes to invertebrates and fish & wildlife that are associated or affected by the changes, which makes it difficult to assess cumulative effects associated with this and other predictable activities in the estuary.
7. DSEIS 2.2.2.1 and Figure 2-2. The overall general placement site figures should clearly show all sites mentioned anywhere in the text. Figure should show all disposal/placement sites discussed in the narrative, including the HMB upland direct beach nourishment site and the stockpile area, if they are different, which is confusing in the text. A quick clarification on the HMB nearshore site: is the location accurate on the figure? Our understanding has been that the nearshore beneficial use site is actually within HMB, not outside the bay and along the jetty as shown.
8. DSEIS ES-2-11 and 4.4-44 and -45, and LRR. Are there regular pre-disposal Dungeness crab surveys in HMB and South Beach prior to each year's disposal...the text seems to indicate this? Where are these results found?
9. DSEIS 2.5, p. ES-2-24. Why are upland HMB and Point Chehalis revetment sites not mentioned here?
10. DSEIS 3.2.2 and 4.2.2. Similar to #6 above, the excellent discussion of epochs and the effects of engineering and other geomorphological changes in the harbor, should feed into a similarly robust cumulative effects discussion on invertebrates and fish and wildlife in the harbor.
11. Figure/table numbering and text references are inaccurate in the Draft SEIS. E.g. two Table 4.4-5.

12. Figure 3.8-1 should include the buried Point Chehalis revetment placement site, and the stockpile area.
13. DSEIS, 4.2.4.5 and 4.2.5.5. The discussion on salt wedge dynamics results in a determination of “negligible” effects in the 5% range, though a detailed analysis is not provided. The SEIS should discuss cumulative effects of changes to the salt wedge on organisms in the estuary over time. This discussion should also feed into section 4.3 and include discussion of effects to vegetation and the way organisms use the estuary.
14. DSEIS 4.2.5.1. Construction and increased maintenance are said to be “beneficial”. How much of the material from the deepening is really going to the beneficial use sites like South Beach and Half Moon Bay (in terms of equipment and capacity), and how much just isn’t going to deep water? We disagree with calling this project “beneficial” to the system, except perhaps for the material going to clearly beneficial sites, which are trying to make up for the huge changes caused by the jetty system and loss of the ebb tide delta.
15. DSEIS 4.4.3.1 Turbidity. While some sites like South Jetty may clear of hopper dredged material relatively quickly, earlier studies of placement at HMB nearshore and South Beach showed readily apparent underwater mounds and berms, indicating capacity issues for repeated short-term use until the material moves, e.g. with winter storms.
16. DSEIS p. 4.4-45 and p. 5-122. The document states, “For future impacts arising from the maintenance dredging the RCMSA parties, through the Crab Working Group, will evaluate appropriate mitigation measures for cost-effectiveness and efficacy, and will re-evaluate the terms of the Agreement and its mitigation conditions as necessary.” The EPA is willing to continue working on the crab work group to assess and agree on appropriate mitigation for current and future maintenance dredging, perhaps in the context of a long-term project with estuary-wide benefits (in conjunction with upcoming Long-term Management Strategy for example). However, we are concerned about lack of direction and momentum in the group. Some members have become frustrated with the lack of progress and may no longer participate. In addition, we are concerned that the Corps navigation program may not have the resources/funding necessary to carry out mitigation, either per the existing 1998 Agreement, or in conjunction with another project. As appropriate, we recommend the FSEIS provide additional information on the Corps commitment to the Crab Work Group; such as a description of the availability of resources to accomplish necessary mitigation.
17. DSEIS 4.4.5.1 Water Quality. There is no discussion on use of an excavator and what effects that may have on water quality.
18. DSEIS 4.4.5.4 Dungeness Crab. Has the model taken into account the longer time needed for dredging in each reach, and the effects on the model due to this change in timing, per the 1998 Agreement?
19. DSEIS 8.1.7. “The Corps is in full compliance with the RCMSA presently in effect.” Given the unexplained discrepancies between Table 4.4-3 and Visser 2012, this is not clear. Also, given expected dredging in 2014, how do this year’s numbers look? Again, we would like to emphasize that EPA is eager to work with the Corps to come up with new mitigation strategies, however, in the interim, the 1998 Agreement is in effect and should be followed.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.